

In the
Indiana Supreme Court



IN THE MATTER OF)
)
THE APPOINTMENT OF A)
)
JUDGE PRO TEMPORE IN)
)
HENRY SUPERIOR COURT NO. 1)

Case No. 33S00-1105-MS- 302

ORDER APPOINTING JUDGE PRO TEMPORE

This Court has received from the Honorable Mary G. Willis, Judge of the Henry Circuit Court, and the Honorable Bob A. Witham, Judge of the Henry Superior Court No. 2, their verified petition for the appointment of a Judge *Pro Tempore* pursuant to Ind. Trial Rule 63(B)(1), to serve during the absence of the Honorable Michael D. Peyton, Judge of the Henry Superior Court No. 1. Accompanying the petition is a report from Judge Peyton's physician. Judges Willis and Witham, along with Judge Peyton's spouse, Nancy A. Peyton, request that the requirements of a notice period and a show cause hearing be waived.

And this Court being duly advised, finds that Judges Willis and Witham's petition should be granted, that the notice and show cause requirements of Ind. Trial Rule 63(B) should be waived, and that continuing the orderly administration of justice necessitates appointment of a Judge *Pro Tempore* to discharge temporarily the duties of Judge Peyton's office. This Court has been further advised that E. Edward Dunsmore, II, an attorney licensed to practice law in Indiana, is willing to serve as Judge *Pro Tempore* in the Henry Superior Court No. 1.

IT IS, THEREFORE, ORDERED that the notice and show cause requirements of Ind. Trial Rule 63(B) are waived and that E. Edward Dunsmore, II, is appointed as Judge *Pro Tempore* in the Henry Superior Court No. 1, effective upon his filing of an appropriate written oath of office. This appointment shall remain in effect until further order of this Court. This order shall be sufficient authority for Judge Dunsmore to continue the employment of court personnel and otherwise discharge the duties of Judge of the Henry Superior Court No. 1. Judge Dunsmore shall be entitled to compensation for this service, pursuant to T.R. 63(D), paid by the State of Indiana, computed at the same rate as the regular judge commencing from the effective date of his appointment.

The Clerk of this Court is directed to forward a certified copy of this Order to the Clerk of the Henry Circuit and Superior Courts, who is directed to enter this Order into the Record of Judgments and Orders; to the Hon. Mary G. Willis, Henry Circuit Court, 1215 Race Street, #340, New Castle, IN 47362; to the Hon. Bob A. Witham, Henry Superior Court 2, 1215 Race Street, #220, New Castle, IN 47362; to the Hon. E. Edward Dunsmore, II, 18 North Jefferson Street, P.O. Box 155, Knightstown, IN 46148, to the Hon. Michael D. Peyton, 7455 South Twin Oaks Drive, Knightstown, IN 46148; to Ms. Nancy A. Peyton, 7455 South Twin Oaks Drive,

Knightstown, IN 46148; to the Division of State Court Administration, payroll department; and to the Indiana Judicial Center.

DONE at Indianapolis, Indiana, this 24th day of May, 2011.

Randall T. Shepard

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Chief Justice of Indiana

All Justices concur.